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INTERAGENCY CLASSIFICATION REVIEW COMMITTEE
WASHINGTON, D.C. 20408

December 6, 1973

MEMORANDUM FOR:

John S. Warner
Acting General Counsel

FROM:

William L. Brown *WLB*
Executive Director

SUBJECT:

CIA Inspection Program to Determine
Classification abuses.

As you may recall, at its November meeting, the ICRC authorized me to request a report from each agency on its departmental inspection program set up for the purpose of determining the classification abuses to be reported on the Quarterly Report of Classification Abuses form (SF 322). On 18 July 1973, the CIA submitted such a report in response to discussions at the July meeting concerning a draft of the request. The CIA's initiative in responding to this request, even before there was a firm requirement to do so, is appreciated.

The CIA's report on its "spot check" program has been reviewed and it is apparent that the program needs to be strengthened. Otherwise, the reliability of the number of classification abuses being reported quarterly to the ICRC by the CIA could be subject to some doubt. To fail to establish a satisfactory program creates a potential situation whereby the CIA will never be able to report reliable figures on the number of classification abuses within the agency thereby frustrating the primary purpose of the reporting format which is to allow the ICRC to assist the National Security Council in monitoring the implementation of Executive Order 11652 and the implementing NSC Directive of May 17, 1972. Such monitoring allows the ICRC to determine whether an agency is complying with the mandates of the Order and Directive or not and, if not, to "take action to ensure compliance." It is, therefore, requested that the CIA please reevaluate its program in order to determine if it is possible to meet more fully the requirements of the ICRC's quarterly reporting system with respect to the reporting of classification abuses.

The CIA's past record of cooperation is appreciated. I will be happy to discuss this matter further if I can be of any assistance.



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Approved For Release 2002/10/09 : CIA-RDP75-00793R000200170001-9

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

71-1718
71-577311

7 December 1971

MEMORANDUM FOR: The Honorable John D. Ehrlichman
Assistant to the President
(Domestic Affairs)

SUBJECT: Declassification

1. Bill Colby told me of his lunch with you and your discussion of declassification. We have produced the attached outline summary of the problem and a possible solution for your consideration. It obviously would require further detail if it were to be adopted. The important thing, however, is the degree to which it fits your general thinking.

2. If there is anything else we can do to help on this problem, please let us know.

Rich

Richard Helms
Director

Attachment as stated

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Approved For Release 2002/10/09 : CIA-RDP75-00793R000200170001-9

SUBJECT: Declassification

1. From the parochial perspective of an intelligence officer, the major problem inherent in declassification relates to the risk of compromising operational sources and methods. A report several years old whose substantive content is no longer politically delicate, for example, could nonetheless compromise a still producing source who, indeed, might now be even better or more strategically placed than he was when he provided the report in question. What an intelligence service needs (and strives) to protect are the techniques it employs in going about its business and the human assets, especially foreign nationals, it uses or has used in the past. From an intelligence officer's standpoint, therefore, a document's sensitivity is a direct function of the extent to which that document could compromise sources or methods if it were to fall into unauthorized hands or pass into the public domain.

2. When we address the issue of declassifying the intelligence contribution to major policy decisions or historical events, we are talking about at least three separate types of documents.

(a) Finished Intelligence. This appears in the form of National Intelligence Estimates or special memoranda, drawn from all sources, recounting the facts and assessing a situation. In most cases, declassification of such documents would not jeopardize sources and methods, since the sources of the facts and assessments are usually not stated or are obscured so that they are not apt to be disclosed by declassification of the document. The documents may occasionally refer to the original source of material contained therein, but such references could be edited out or generalized so that the original source remains protected. This would require of course careful review of any such material prior to declassification with this thought in mind.

(b) Disseminated Intelligence. Some disseminated intelligence, such as technical or communications intelligence, reflects its origins in very specific terms so that declassification would almost inevitably result in the disclosure of the

source. In other cases, such as clandestinely acquired intelligence, generalized source descriptions are used in the disseminations, so that the exact identity of the source remains concealed. In all these categories, the passage of time may to some extent alleviate the damage caused by a disclosure of the source, e.g., the fact that we were reading Japanese codes during World War II is hardly a sensitive matter any more. On the other hand, with respect to some of these sources, the passage of time may not relieve the sensitivity of the matter, particularly on material provided to us by a friendly foreign intelligence service which expects us to keep their relationship with us a permanent secret. Thus in the category of disseminated intelligence, a considerably greater job of editing might be necessary to separate items which could be declassified from those which should not be.

(c) Intelligence Operational Traffic. There is a great deal of this material which in almost all cases should not and can not be declassified without a highly inappropriate disclosure of intelligence sources and methods. The material itself is frequently written with special code names which may be valuable in the future. Also the methodology revealed may show things about our service which could be of advantage to an unfriendly power. The true names of our agents and the precise techniques of our operations should in no event be disclosed even after many years.

3. Cutting across the specific problems of declassifying intelligence material is the way our government does business in these times. Thanks to the enormous improvements in communications technology, the government utilizes a flood of separate papers and documents in the course of doing its business. In order to make these manageable at the key decision levels, these raw documents must be collated, summarized and analyzed in the form of over-all reports. This of course is what happens to raw intelligence material through the National Intelligence Estimates and similar documents. Decision-making on major national events is almost always based on the refined product rather than the raw. As noted above, the refined product raises considerably fewer problems of declassification than the raw. For the few cases in which raw documents are used in decision-making, edited versions might be provided.

4. Another factor to be considered is the inter-agency nature of most such major events today. Thus no single department or agency could give an over-all view of a major national event on the basis only of material available to it. The Pentagon Papers display this weakness.

5. A possible solution to the problem might lie in centralizing the production of official histories of selected major events. An historian might be added to the White House staff or the Archivist of the United States might be assigned this responsibility. This officer could serve as a point of coordination and tasking of the various departments and agencies to contribute to a national account of a major event. Department or agency contributions could thus be consolidated into a single over-all account. From the point of view of the intelligence community, this would permit summarization of material considered significant to the event to protect intelligence sources and methods, rather than declassifying raw material. It would also put the focus of the account on the key documents actually used at the national level rather than seeking the impractical aim of declassifying all raw material. Lastly, it would provide an over-all context in which individual raw documents would find a proper place, rather than causing sensational misunderstanding, if and when they came to public notice.

6. Such studies would not satisfy the history purists, of course, but they could meet the legitimate needs of the general public. Criticism could be made that an administration was writing its own histories. The proof of this pudding would be in the eating, i.e., whether the resulting studies were truly objective. The Pentagon Papers have not been subjected to this accusation nor are the Foreign Relations series produced by the Department of State or the studies produced by the Office of Military History.

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OGC 71-1724

29 November 1971

MEMORANDUM FOR: Mr. Colby

Bill:

I have no problem with your draft, but in connection with paragraph 4 you might want to note the history project of the Department of State, which turns out Foreign Relations of the United States. This does include information on contributions of other agencies besides the Department of State, such as intelligence in the various forms discussed by you, and State is meticulous in clearing with us on those items. While they have an over-all thirty-year declassification policy, actually the history is about 24 years after the event. Thus, the latest volume published covers 1946, and State is working on 1947. This is not a complete answer but may contribute to the problem.



Lawrence R. Houston

Attachment

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✓subject Records

OGC:LRH:jeb

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21 December 1973

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Mr. Marshall L. Miller
Office of the Associate Deputy
Attorney General
Room 4217, Department of Justice
Tenth Street and Pennsylvania Avenue, N. W.
Washington, D. C. 20408


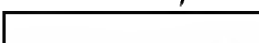
Dear Mr. Miller:

In order for you to have access to classified records of OSS or CIA origin which are currently among the holdings of the National Archives, it will be necessary for you to follow the procedures outlined in Section 12 of Executive Order 11652 and paragraph B, Section VI, of the implementing National Security Council Directive. Copies of these are enclosed for your convenience.

I have also enclosed forms which must be completed and returned to this Agency before security processing can be initiated. You will note that one of these forms stipulates the conditions under which access will be granted. As an alternative to submitting research notes for review, you may, if you prefer, request the declassification review of specific documents. National Archives personnel will be able to assist you in levying such requests.

You will be informed promptly once a decision has been reached on your application. If approval is granted, the National Archives will be officially authorized to make security classified OSS and CIA records germane to your study available to you; provided, of course, that they do not fall under categories 2 through 9, Section (b), of the Freedom of Information Act.

Sincerely,



Records Management Officer


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Enclosures

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Remarks: <div style="border: 1px solid black; width: 50px; height: 15px; margin: 10px 0;"></div> <p style="margin-left: 40px;">Here is another from Bill Brown designed to keep us busily, if not gainfully, employed.</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 10px auto; text-align: center;"> </div> <p style="margin-left: 40px;">Att OGC SUBJ: Security E.O. 11652 Classification & Declassification</p> <p style="text-align: center; margin-left: 40px;">FOLD HERE TO RETURN TO SENDER</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">FROM: NAME, ADDRESS AND PHONE NO.</td> <td style="width: 40%;">DATE</td> </tr> <tr> <td>[REDACTED] OGC, BX-5</td> <td>11 Dec</td> </tr> <tr> <td>UNCLASSIFIED</td> <td>CONFIDENTIAL</td> </tr> <tr> <td></td> <td>SECRET</td> </tr> </table>						FROM: NAME, ADDRESS AND PHONE NO.	DATE	[REDACTED] OGC, BX-5	11 Dec	UNCLASSIFIED	CONFIDENTIAL		SECRET
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FORM NO. 1-67

237

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NOTE ATTACHED TO OGC 73-2269. MEMORANDUM FOR JOHN S. WARNER DATED DECEMBER 6, 1973